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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,717	09/26/2003	Mark Willer	066042-9415-01	1118

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/672,717	Applicant(s) WILLER ET AL.	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-20, 23, 25-28, 30-32, 34-38, 44, and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-20, 23, 25-28, 30-32, 34-38, 44, and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Comment

1. The indicated allowability of claim 4-20, 27, 30-32, 35-38, 44, and 45 is withdrawn in view of the newly discovered references patent to Lindell (2,662,562), Levin (3,811,747) or Magnuson (3,043,616), and Morimoto (4,466,187). Rejections based on the newly cited references follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4, 7, 19, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindell (2,662,562). Regarding claims 4 and 44, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. The housing is defined by the housing of the motor, shaft housing 12, housing 21, and receptacle 54. The housing houses the blade and the motor and the drive shaft. Lindell also teaches a cover 55 selectively connectable to the housing and the cover at least partially covering the saw blade when the cover is connected to the housing. Lindell also teaches a quick-locking member 58 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Lindell also teaches the quick-locking member 58 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the

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housing. Lindell also teaches that the quick locking member is pivotable between the first position and the second position. See Figs. 1-14 and col. 2, lines 20-55 and col. 4, lines 14-40 in Lindell.

Regarding claim 7, Lindell teaches everything noted above including that the cover 55 at least partially covers an open portion of the saw blade 36. See Fig. 9 in Lindell.

Regarding claim 19, Lindell teaches everything noted above including that the saw is a circular saw. See Fig. 9 in Lindell.

4. Claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto (4,466,187). Regarding claim 30, Morimoto teaches a saw 1 including a housing and a motor supported by the housing and operable to drive a saw blade 4. Morimoto also teaches a first cover 8b connected to the housing and at least partially covering the saw blade 4. Morimoto also teaches a second cover 8a selectively connectable to the housing. The dust collecting hood 8a can be connected to the housing and disconnected from the housing. See col. 3, lines 15-18 in Morimoto. Therefore, the second cover 8a is selectively connectable to the housing. Morimoto also teaches that the second cover at least partially covering the first cover 8b and at least partially covering the saw blade when the second cover is connected to the housing. Morimoto also teaches that the second cover 8b defines a cavity 9 for receiving fragments from a work piece upon which the saw blade operates. Morimoto also teaches that the housing and the first cover 8a cooperate to define a slot and wherein the fragments pass through the slot to enter the cavity. The housing, which also includes one of the segments of the inner walls 8b, cooperates with the other inner wall or the first cover to define a slot. See Figs. 5-7 and col. 2, lines 26-68 and col. 3, lines 1-18 in Morimoto.

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Regarding claims 31, and 32, Morimoto also teaches that the first cover includes a tap operable to deflect the fragments into the cavity. The bottom section of the inner wall or the first cover is lateral portion that connected the two inner walls 8b together. This lateral portion defines a tap that deflects the fragments into the cavity 9. The tab is disposed at an end of the slot. Morimoto also teaches that the saw 4 is a circular saw. See Figs. 3-7 in Morimoto.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To the degree that it could be argued that the quick-locking member does not pivot from a first position to a second position in Lindell, the rejection below is applied.

6. Claims 4-14, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell on view of Magnuson (3,043,616), or Levin (3,811,747). Regarding claims 4 and 44, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. The housing is defined by the housing of the motor, shaft housing 12, housing 21, and receptacle 54. The housing houses the blade and the motor and the drive shaft. Lindell also teaches a cover 55 selectively connectable to the housing and the cover at least partially covering the saw blade when the cover is connected to the housing. Lindell also teaches a quick-locking member 58 connected to one of the housing and the cover and

engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Lindell also teaches the quick-locking member 58 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. See Figs. 1-14 and col. 2, lines 20-55 and col. 4, lines 14-40 in Lindell. Lindell does not teach that the quick locking member is pivotable between the first position and the second position. However, the use of a quick-locking member pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Levin or Magnuson. Levin teaches a quick-locking member 21 pivotable between a first position and a second position for locking and unlocking a cover 2 of a housing. See Fig. 1-8A and col. 5, lines 30-57 in Levin. Magnuson also teaches a quick-locking member 14, 15 pivotable between a first position and a second position for locking and unlocking a cover 12 of a housing 11. See Fig. 1-3 and col. 2, lines 11-65 in Magnuson. It would have been obvious to a person of ordinary skill in the art to replace Lindell's quick-locking member with the latch as taught by Levin or Magnuson as an alternative way to lock the cover to the housing and unlock the cover from the housing.

Regarding claims 5 and 45, Lindell, as modified above, teaches everything noted above including a spring 26 or 18 engageable with the quick-locking member to releasably retain the quick-locking member. See Fig. 3B-4 in Levin and Fig. 3 in Magnuson.

Regarding claims 6 and 8, Lindell, as modified by Levin, teaches everything noted above including that the cover 2 defines a recess 17b and the quick-locking member includes

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a locking portion engageable with the recess to lock the cover to the housing. Lindell also teaches that the quick-locking member 21 is a latch. See Fig. 3B-4 in Magnuson.

Regarding claim 7, Lindell teaches everything noted above including that the cover 55 at least partially covers an open portion of the saw blade 36. See Fig. 9 in Lindell.

Regarding claim 9, Lindell, as modified above, teaches everything noted above including that the quick-locking member has an over-center biasing latch 26 or 18. See Fig. 3B-4 in Levin and Fig. 3 in Magnuson.

Regarding claim 10, Lindell teaches everything noted including that the housing defines a handle portion 53 gripable by a user and the quick-locking member 58 is connected to the housing near the handle portion. It should be noted that the shaft housing 12 also is considered to be a handle, which is gripable, by a user. The handle 53 and shaft housing 12 are both located near the quick-locking member 58. See Fig. 1-3 in Lindell.

Regarding claim 11, Lindell, as modified by Levin, teaches everything noted above including a second locking assembly 21 cooperating with the quick-locking member to selectively lock the cover to the housing. See Fig. 9 in Lindell and Fig. 1-3B in Levin.

Regarding claim 12, Lindell, as modified by Levin, teaches everything noted above including that the housing 1 includes a hook member 69 and the cover 2 engaging the hook member at a first end of the cover and the quick-locking member engaging the cover at a second end of the cover to connect the cover to the housing. See Figs. 11A-11C in Levin.

Regarding claim 13, Lindell, as modified by Levin, teaches everything noted above including that the cover 2 has a ledge 76a engageable with the hook member. See Figs. 11A-11C in Levi

Regarding claim 14, Lindell, as modified by Levin, teaches everything noted above including that the cover 2 has a pin 71 engageable with the hook member. See Figs. 11A-11C in Levin.

Regarding claims 15 and 16, Lindell, as modified by Levin, teaches everything noted above including that the quick-locking member includes a first member 20 connected to the housing, a second member 20a connected to the first member and pivotable relative to the first member, and a third member 69 connected to the second member and pivotable relative to the second member. Lindell, as modified by Levin, also teaches that the third member being engageable with the cover to selectively lock the cover to the housing. Lindell, as modified by Levin, also teaches that the third member 69 is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock respectively the cover from the housing. See Figs. 1-11c in Levin.

Regarding claims 18 and 19, Lindell teaches everything noted above including that the cover defines 55 a receptacle therein operable to hold fragments of a work piece upon which the saw blades is performing. Lindell also teaches the saw 36 is a circular saw. See Fig. 8-13 in Lindell.

7. Claims 23, 25, 26, 28, 30-32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell in view of Morimoto. Regarding claims 30 and 36, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. Lindell also teaches a second cover 55 selectively connectable to the housing. Lindell also teaches a quick-locking member 58 connected to the housing and engageable with the other of the housing and the second cover to selectively lock the second cover to the housing without the

use of tools. See Figs. 1-14 and col. 4, lines 3-36 in Lindell. Lindell does not teach a first cover connected to the housing and partially covering the blade saw. Lindell also does not teach that the second cover partially covers the first cover. However, Morimoto teaches a saw 1 including a first cover 8b connected to the housing and at least partially covering the saw blade 4. Morimoto also teaches a second cover 8a selectively connectable to the housing. The dust collecting hood 8a can be connected to the housing and disconnected from the housing. See col. 3, lines 15-18 in Morimoto. Therefore, the second cover 8a is selectively connectable to the housing. Morimoto also teaches that the second cover at least partially covering the first cover 8b and at least partially covering the saw blade when the second cover is connected to the housing. Morimoto also teaches that the second cover 8b defines a cavity 9 for receiving fragments from a work piece upon which the saw blade operates. See Figs. 5-7 and col. 2, lines 26-68 and col. 3, lines 1-18 in Morimoto. It would have been obvious to a person of ordinary skill in the art to provide Lindell's saw with the first cover as taught by Morimoto in order to create a chamber between the first and second cover and enhance the collection of the dust by the dust collector device.

Regarding claim 23 and 25, Lindell, as modified by Morimoto, teaches everything noted above including that the first cover 8b at least partially covers the saw blade when the second cover is not connected to the housing. See Figs. 3-7 in Morimoto.

Regarding claim 26 and 28, Lindell, as modified by Morimoto, teaches everything noted above including that the saw blade 36 includes a plurality of teeth and the first cover covering at least some of the plurality of teeth positioned on an upper portion of the saw

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blade. Morimoto also teaches that the first cover 8B is semicircular in shape. See Figs. 8-9 in Lindell and Figs. 5-7 in Morimoto.

Regarding claims 31, and 32, Lindell, as modified by Morimoto, teaches everything noted above including that the first cover includes a tap operable to deflect the fragments into the cavity. The bottom section of the inner wall or the first cover is lateral portion that connected the two inner walls 8b together. This lateral portion defines a tap that deflects the fragments into the cavity 9. The tab is disposed at an end of the slot. Morimoto also teaches that the saw 4 is a circular saw. See Figs. 3-7 in Morimoto.

8. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell in view of Morimoto, as applied to claim 36, and in further view of Levin or Magnuson. Regarding claim 37, Lindell, as modified by Morimoto, teaches everything noted above except that the quick-locking member is a latch and has an over-center basing latch. However, Levin teaches a quick-locking member 21 pivotable between a first position and a second position for locking and unlocking a cover 2 of a housing. See Fig. 1-8A and col. 5, lines 30-57 in Levin. Magnuson also teaches a quick-locking member 14, 15 pivotable between a first position and a second position for locking and unlocking a cover 12 of a housing 11. See Fig. 1-3 and col. 2, lines 11-65 in Magnuson. It would have been obvious to a person of ordinary skill in the art to replace Lindell's saw, as modified by Morimoto, with the latch as taught by Levin or Magnuson as an alternative way to lock the cover to the housing and unlock the cover from the housing.

Regarding claim 38, Lindell, as modified above, teaches everything noted above including that the quick-locking member has an over-center biasing latch 26 or 18. See Fig. 3B-4 in Levin and Fig. 3 in Magnuson.

9. Claims 4, 17, 20, 27, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Lindell. Regarding claims 4, 17, and 36, Morimoto teaches a saw 1 including a first cover 8b connected to the housing and at least partially covering the saw blade 4. Morimoto also teaches a second cover 8a selectively connectable to the housing. The dust collecting hood 8a can be connected to the housing and disconnected from the housing. See col. 3, lines 15-18 in Morimoto. Therefore, the second cover 8a is selectively connectable to the housing. Morimoto also teaches that the second cover at least partially covering the first cover 8b and at least partially covering the saw blade when the second cover is connected to the housing. Morimoto also teaches that the second cover 8b defines a cavity 9 for receiving fragments from a work piece upon which the saw blade operates. See Figs. 5-7 and col. 2, lines 26-68 and col. 3, lines 1-18 in Morimoto. Morimoto does not teach a quick-locking member connected to one of the housing and the second cover and engageable with the other of the housing and the second cover to selectively lock the second cover to the housing without the use of tools. However, Lindell teaches a housing and a motor supported by the housing and operable to drive a saw blade 36. Lindell also teaches a second cover 55 selectively connectable to the housing. Lindell also teaches a quick-locking member 58 connected to the housing and engageable with the other of the housing and the second cover to selectively lock the second cover to the housing without the use of tools. See Figs. 1-14 and col. 4, lines 3-36 in Lindell. It would have been obvious to a person of

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ordinary skill in the art to provide Morimoto's saw with the latch as taught by Lindell in order to secure or lock the second cover to the housing and unlock the second cover from the housing when the dust collector chamber is full.

Regarding claims 20, 27, and 35, Morimoto teaches everything noted above including a show plate 5 connected to the housing and engageable with the surface of a workpiece to support the saw upon the workpiece. See Figs. 1-7 in Morimoto.

Response to Arguments

10. Applicant's arguments with respect to claims 4-20, 23-28, 30-32, 34-38, 44, and 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wiloff (4,160,320), Kirk (4,412,381), Buser et al. (6,557,261), Campbell et al. (5,911,482), Butkiewicz et al. (4,491,047), Huang (6,739,060) teach a saw including a housing, a saw blade, and a dust collector device or cover.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

August 10, 2005


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